




To: Workforce Development Board Chairs
Workforce Development Board Directors
Regional Chief Elected Officials

From: Regina Ashley, Chief Strategy Officer 
Indiana Department of Workforce Development

Date: April 15, 2016

Subject: MEMORANDUM
Memoranda of Understanding and Shared Infrastructure Costs

Purpose

To provide guidance to Indiana's workforce development boards regarding the establishment of memoranda of understanding (MOUs) and infrastructure cost sharing amongst one-stop partners. Section 121 of WIOA requires the WDB for a local area, with the agreement of the chief elected official for the local area, to develop and enter into a memorandum of understanding with one-stop partners relating to the operation of the one-stop system, including shared infrastructure funding agreements.

Rescission

DWD Policy 2014-01, *Establishing Memoranda of Understanding with the One-Stop Partners*.

References

Workforce Innovation and Opportunity Act (WIOA) Section 121
Proposed Regulations §§678.500-678.510; §§678.705-678.769
United States Department of Education, Frequently Asked Questions, Published January 28, 2016

Content

WIOA requires an MOU between the WDB (with the agreement of the chief elected official) and the one-stop partners, relating to the operation of the one-stop delivery system. The MOU should be a product of good-faith local discussion and negotiation amongst the partners to reach an agreement. Pursuant to WIOA, the MOU may take the form of a single umbrella document among all the partners, individual agreements, or a hybrid between the board and two or more partners. The US Department of Labor (DOL) encourages States and local areas to use umbrella MOUs to facilitate transparent, flexible agreements that are not burdensome, so that partners may focus upon service delivery. The State will facilitate an umbrella MOU between the WDBs and state agencies, and the WDBs will facilitate MOU(s) with all other partners.

Identification of One-Stop Partners

The State will facilitate an umbrella MOU between the WDBs for the following:

- **Wagner-Peyser, Trade Adjustment Assistance Act, and Veterans programs.** The MOU will be signed by the DWD Commissioner or designee.
- **Unemployment Insurance.** The MOU will be signed by the DWD Commissioner or designee.
- **Vocational Rehabilitation.** The MOU will be signed by the Director of the Division of Disabilities and Rehabilitative Services or designee.
- **TANF E&T** (programs authorized under part A of title IV of the Social Security Act). The MOU will be signed by the Director of the Division of Family Resources or designee.

The WDBS will facilitate an umbrella MOU with those one-stop partners noted below that are established within its local workforce area:

- **WIOA Title I Adult/DW/Youth programs.** The One Stop Operator will sign the MOU.
- **Adult education and literacy.** Each adult education provider(s) within the local area will sign the MOU. For a list of Adult Education providers in your region, contact the DWD Director of Adult Education Field Operations at mpitzulo@dwd.in.gov.
- **Older Americans Act, Title V.** Each grantee will sign the MOU. For a list of grantees, contact the DWD Associate COO of Workforce Operations at dawimer@dwd.in.gov.
- **Career and Technical Education programs at the postsecondary level authorized by the Carl D. Perkins Career and Technical Education Act.** Each grantee will sign the MOU. For a list of grantees, contact the Director of Career & Technical Education at cdeaton@dwd.in.gov.
- **Employment and training activities carried out under the Community Services Block Grant Act,** each grantee will sign the MOU, if they exist in the workforce area.
- **Employment and training activities carried out by the Department of Housing and Urban Development,** each grantee will sign the MOU, if they exist in the workforce area.

- **Second Chance Act Section 212 programs**, each grantee will sign the MOU, if they exist in the local area.

Additional programs and entities may be included as WorkOne partners with the approval of the local board and the local chief elected official.

Required Provisions to be Contained within the One-Stop Partner Memorandum of Understanding

The MOU must at a minimum contain the following provisions:

- A description of the collective mission of the partners;
- A description of services to be provided through the one-stop delivery system, including the manner in which the services will be coordinated and delivered through the system and which one-stop partner will provide the service;
- Methods for referring individuals between the one-stop operators and partners for appropriate services and activities;
- Methods to ensure that the needs of workers, youth, and individuals with barriers to employment, including individuals with disabilities, are addressed in providing access to services, including access to technology and materials that are available through the one-stop delivery system;
- The duration of the MOU and procedures for amending it; and
- Assurances that each MOU will be reviewed (and renewed if substantial changes have occurred), not less than once every 3-year period to ensure appropriate funding and delivery of services.

Signature Page:

- Must be signed by the grant recipient or administrative entity or lead official of the one-stop partner; and
- Must contain the name, title, and entity name on the signature line for each one-stop partner.

Each MOU may contain any other provisions agreed to by the parties consistent with WIOA Title I, the authorizing statutes and regulations of one-stop partner programs, and the WIOA regulations.

Infrastructure Funding Agreements

For Program Year 2016, state and local areas will need to continue to negotiate local funding agreements as they have been doing under WIA. There will be no state infrastructure funding mechanism. One-stop partners will be required to utilize the process they have been using under WIA to resolve disputes. As the regulations become finalized, DWD will provide further guidance regarding the negotiation of these funding agreements for PY 2017 and develop a state funding mechanism in the event a local area fails to reach an agreement.

Impasse Situations

The WDBs must report to the State Workforce Innovation Board (SWIC), Governor, and DWD when MOU negotiations with one-stop partners have reached an impasse. The WDB and partners must

document the negotiations and efforts that have taken place in the MOU. The SWIC, one-stop partner programs, and the Governor may consult with the appropriate Federal agencies to address impasse situations related to issues other than infrastructure funding after attempting to address the impasse. The WDBs must report failure to execute an MOU with a required partner to the Governor, SWIC, and the State agency responsible for administering the partner's program. Additionally, if the State cannot assist the WDB in resolving the impasse, the Governor or the SWIC must report the failure to the Secretary of Labor and to the head of any other Federal agency with responsibility for oversight of a partner's program.

Key Dates

MOU Guidelines Issued..... April 15, 2016
 PY 2016 MOU Due..... December 31st, 2016

Effective Date

Immediately

Ending Date

Upon rescission.

Contact for Questions

policy@dwd.in.gov

Action

MOUs consistent with this policy shall be aligned with local plans that are to be submitted to DWD in the summer of 2016 with an effective date of December 31st, 2016.